

ORDINANCE NO. \_\_\_\_\_ 2016 - 11 (10 - 12)

**AN ORDINANCE MODIFYING REGULATIONS FOR THE CONSTRUCTION OF ACCESS AND ENTRIES TO COUNTY HIGHWAYS AND ROADS**

WHEREAS, Henry County has the authority to enact regulations to promote the public health, safety and welfare; and,

WHEREAS, the Board of Commissioners of Henry County have previously adopted regulations for the construction of driveway connections to public highways and roads; and,

WHEREAS, the Board of Commissioners has determined that those regulations governing access and standards for driveway connections and access points to public highways and county roads should be amended.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF Henry County that the Henry County Code is hereby amended and that Sections 152.20 through 152.26 are hereby repealed in their entirety and replaced with the following provisions:

**ROAD ACCESS AND DRIVEWAY REGULATIONS**

Section

1. Definitions
2. Application procedures
3. Permit forms and documents
4. Types of approach classes
5. Design criteria
6. Plans and information required for commercial major and minor driveway applications
7. Construction requirements
8. Pavement requirements
9. Traffic impact analysis
10. Access signalization
11. Access control
12. Performance bond
13. Failure to complete improvements
14. Variances
15. Inspection of public improvements
16. Temporary driveways

**GENERAL REGULATIONS**

**1. DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESS.** A location which allows vehicular and/or pedestrian traffic to cross the highway

right-of-way line and is positioned at the connection of a driveway with the approach at the right-of-way line.

**ACCESS, CONTROL OF.** The condition where vehicular traffic movement from abutting property to the highway is fully or partially controlled.

**APPLICANT.** A person, partnership, company, corporation, association or agency making application for a permit to perform work on an approach or the road right-of-way.

**APPLICATION.** A formally prepared request for a permit which is presented by an applicant on a permit form to the County Highway Department seeking permission to perform work on a County highway right-of-way.

**APPROACH.** A way or place improved for vehicular or pedestrian traffic on the existing or apparent right-of-way that joins the pavement edge of the highway with a driveway or pedestrian walkway.

**AUXILIARY LANE.** A portion of the roadway adjoining the traveled way for parking, speed change, turning, storage for turning, weaving, truck climbing or for other purposes.

**AVERAGE ANNUAL DAILY TRAFFIC (AADT).** The total traffic volume passing a point or segment of a highway facility, in both directions, for one year, divided by the number of days in that year.

**AVERAGE DAILY TRAFFIC (ADT).** The total traffic volume during a given time period, in whole days, greater than one day and less than one year, and divided by the number of days in that time period.

**BOND.** Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the County Attorney.

**COMMERCIAL APPROACH.** An approach that joins the highway with a driveway to private property used for commercial purposes or to a public property.

**COMPREHENSIVE PLAN.** Inclusive physical, social and economic plans and policies in graphic and verbal statement forms for the development of the county and the constituent communities within its planning jurisdiction, prepared and adopted by the Plan Commissioners and the Board, pursuant to the State Acts and including any part of the plan and/or policies separately adopted and any amendment to the plan and/or policies or parts thereof.

**CONFLICT.** A traffic event that causes evasive action by a driver to avoid collision with another vehicle, usually designated by a traffic signal application or evasive lane change.

**CONFLICT POINT or CONFLICT AREA.** An area where intersecting traffic either merges, diverges or crosses.

**CONSTRUCTION PLAN(S).** The maps or drawings accompanying a permit application, showing the specific design elements and the location of existing topography and proposed construction features to be installed for a proposed improvement within a county right-of-way in accordance with the requirements of this chapter.

**COUNTY.** Henry County, Indiana, acting through its legislative body, the County Board of Commissioners.

**COUNTY ATTORNEY.** The licensed attorney designated by the county to furnish legal assistance for the administration of these regulations or other legal assistance as provided by statute or ordinance.

**COUNTY HIGHWAY ENGINEER.** The licensed engineer designated by the county to furnish engineering services in accordance with I.C. 8-17-5, including the administration of these regulations.

**COUNTY GOVERNMENT.** That governmental body of the county empowered to adopt

planning and public policy ordinances: the County Commissioners.

**COUNTY HIGHWAY DEPARTMENT.** The County Highway Engineer, acting directly or through his or her duly authorized employees and agents.

**CROSSOVER.** A paved or graded crossing in the highway median which allows vehicles to cross or to turn across the highway.

**CUL-DE-SAC.** A road with only one outlet, having a paved, circular turnaround area at the closed end.

**DESIGN HOUR VOLUME (DHV).** The traffic volume for the design hour in the peak direction of flow, usually a forecast of the relevant peak hour volume, in vehicles per hour (VPH).

**DEVELOPER.** The owner of land proposed to be subdivided or his or her representative. Consent for making applications for development approval shall be required from the legal owner of the premises.

**DRIVEWAY.** A way or place not on the county right-of-way that is used for vehicles. Inasmuch as the shoulders of all highways will not be surfaced, driveways, for the purpose of this definition, are constructed to extend to the outside edge of the traveled way of any highway.

**DRIVEWAY WIDTH.** The narrowest width of driveway measured perpendicular to the centerline of driveway.

**EASEMENT.** An authorization grant by a property owner for the use of any designated part of his or her property for use by another for a clearly specified purpose(s).

**EGRESS.** The exit of vehicular traffic from abutting properties to the highway.

**ESCROW.** A deposit of cash with the Board, in lieu of an amount required and still in force on a performance or maintenance bond. Escrow funds shall be held by the County Auditor.

**EXPIRATION DATE.** The last calendar day that the valid permit is in effect and the date that the approach must be in compliance with all conditions of the permit.

**FIELD APPROACH.** An approach which joins the highway with a driveway to private property that is vacant, in an unimproved condition or a farm field.

**FRONTAGE.** An area of real estate that abuts a particular right of way. Each area of real estate that abuts a separate right of way shall be considered a separate **FRONTAGE**.

**FRONTAGE ROAD.** Any road which is generally parallel to a major road and is used to control access, access property or maintain traffic circulation.

**FRONTAGE WIDTH.** The distance along the highway right-of-way line in front of and abutting a property.

**GOVERNING BODY.** The body of the relevant local government having the power to adopt ordinances.

**GRADIENT** or **GRADE.** The rate or percentage of change in slope, either ascending or descending, from or along the highway. It is to be measured along the centerline of the roadway or approach.

**INGRESS.** The entrance of vehicular traffic to the abutting properties from a highway.

**INTERESTED PARTIES.** Those parties who are the owners of properties adjoining or adjacent to the proposed improvement.

**ISSUE DATE.** A calendar day that the permit is granted to the applicant.

**JOINT OWNERSHIP.** Joint ownership among persons shall be construed as the same owner.

**LEVEL OF SERVICE.** A qualitative measure of the effect of a number of factors including speed and travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience and operating costs.

**LIMITED ACCESS FACILITY.** A highway especially designed for through traffic and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of direct access, light, air or view by reason of fact that their property abuts the limited access facility or for any other reason.

**MEDIAN.** The portion of a divided highway separating the traveled way for traffic proceeding in opposite directions.

**MONUMENT.** A physical structure which marks the location of a section corner or other survey point.

**NOTICE.** A certified letter from the County Highway Department addressed to the owner(s) of the real estate stating that the approach(es) for a driveway(s) emanating from the real estate is unauthorized or not in compliance with the approved permit.

**OFF-SITE.** Any premises not located within the area of the property containing the proposed improvement, whether or not in the same ownership of the applicant.

**OFFICIAL MAP.** The map or maps established by the county pursuant to law showing the existing and proposed roads, highways, parks, drainage systems and setback lines theretofore laid out, adopted and established by law and any amendments thereto adopted by the county or additions thereto resulting from the adoption of subdivision plats by the Plan Commission and subsequent filings of the approved plats.

**OWNER.** Any person, group of persons, partnership, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land seeking a permit under these regulations.

**PERMIT.** A legal document in which the Board gives written permission to an applicant.

**PERMITTEE.** The applicant following the issuance of a permit by the county.

**PERSON.** A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

**PLACE.** An open, unoccupied, officially designated space, other than a road or alley, permanently reserved for use as the principal means of access to abutting property.

**PLAN COMMISSION.** The County Plan Commission as referred to herein and not the County Board of Commissioners or any other commission unless so specified.

**PRIVATE APPROACH.** An approach which joins the highway with a driveway to private property having a residence, barn, private garage or other improvements and is ordinarily used only by the owner or occupant of the premises, guests and necessary service vehicles.

**PUBLIC AGENCY.** An agency or governmental unit acting under the aegis of and representing an elected or appointed council, commission or other policy-making or advisory body of federal, state or local government to whom it is responsible.

**PUBLIC IMPROVEMENT.** Any drainage ditch, road, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-road parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established. All **PUBLIC IMPROVEMENTS** shall be properly bonded.

**PURCHASED LIMITED ACCESS.** Rights-of-way along any highway designated by a Public Agency to be a limited access facility and whose access rights have been acquired by the agency.

**REGISTERED LAND SURVEYOR.** A land surveyor properly licensed and registered to practice in the State of Indiana, or permitted to practice in Indiana through reciprocity.

**REGISTERED PROFESSIONAL ENGINEER.** An engineer properly licensed and

registered in the State of Indiana or permitted to practice in Indiana through reciprocity.

**RIGHT-OF-WAY.** All land under the jurisdiction of and whose use is controlled by a Public Agency.

**ROAD, ARTERIAL.** A road intended to move through-traffic to and from major attractors such as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas and similar traffic generators within the county and/or as a route for traffic between communities; a major thoroughfare. They are typically federal and state roads of regional importance. They are high capacity highways moving traffic at fast rates of speed. They provide good continuity between distant points and are constructed to high standards. **ARTERIALS** usually provide two to four traffic lanes and should have a median wherever possible. Crossing traffic from other roads and access to abutting properties are often controlled or partially so.

**ROAD, LOCAL.** A road designated primarily to provide access to abutting properties, usually residential.

**ROAD, MAJOR COLLECTOR.** A road that has less regional importance than an arterial and more county or inter-county significance. They are medium capacity highways moving at relatively fast rates of speed. They can include both state roads and county roads. **MAJOR COLLECTOR ROADS** typically provide two traffic lanes and are planned to facilitate the collection of traffic from local roads and provide convenient ways for traffic to reach arterial roads.

**ROAD, MINOR COLLECTOR.** A road that is a moderate capacity thoroughfare designed to accommodate relatively low speed traffic. They should, however, provide for a smooth flow of traffic. Two traffic lanes, unseparated, but wider than local road lanes should be provided.

**ROAD, RIGHT-OF-WAY WIDTH.** The distance between property lines measured at right angles to the centerline of the road.

## 2. APPLICATION PROCEDURES

(A) Any person, partnership, company, corporation, association or agency intending to construct an access on the county's right-of-way shall make written application to and secure a permit from the County Highway Department. No access to a county right of way, including a driveway connecting to or within a right of way, shall be constructed without first obtaining a permit. The permit must be obtained before obtaining a building permit and an improvement location permit.

(B) A new driveway permit application shall be required when a relocation, alteration or remodeling of an access, approach and/or crossover, or any change in the character of the use of the access approach and/or crossover is proposed. The granting or denial of the application shall be governed by the same regulations and judged by the same standards as an application for a permit for a wholly new access, approach and/or crossover.

(C) Application to the County Highway Department shall be made on the form as prescribed by the County Highway Department. The form and accompanying documentation shall be submitted containing as many copies as may be prescribed by the County Highway Department. The application must completely and clearly describe and record the proposed work to be performed on the county's right-of-way by the applicant. The application shall contain plans, documents and other information on which to base a determination as to whether the application and proposed construction comply with this Chapter and any other applicable regulation. The application shall include immediately proposed and future work affecting all locations of access

to the applicant's property and adjacent parcels in which an ownership or contract interest is held by the applicant.

(D) The County may remove or barricade access installations that are constructed without first obtaining a permit or that do not conform with the requirements of this Chapter.

**3. PERMIT FORMS AND DOCUMENTS.**

Applications for a permit may be obtained from the County Highway Department. An applicant must provide complete and accurate information on any permit application. The following rules apply with respect to the issuance of a permit and the handling of an application:

(A) A document that initially is considered the application for a driveway permit and becomes the permit upon approval of the proposed driveway approach work. It contains basic information on the first page of the form needed to locate and record the permit work, and lists standard general provisions on subsequent pages. The form should be signed by the owner(s) of the fee simple title.

(B) An applicant shall provide a bond guaranteeing the satisfactory performance of the proposed work in an amount no less than the sum set forth below, provided however, the a bond in a greater amount may be required if the County Highway Department reasonably believes it is necessary to ensure the proper completion of the work to be performed in the right-of-way. The minimum bond shall be by approach class as set forth below. The Bond shall be notarized, issued by a company reasonably satisfactory to the County Highway Department and be in a form reasonably satisfactory to the County Highway Department.

(1) The application fees and performance bond minimums are as follows:

<i>Approach Class</i>	<i>Type of Approach</i>	<i>Application Fee</i>	<i>Minimum Amount for Performance Bond</i>
Class I	Private Approach	\$50	\$3,000
Class II	Private Approach	\$50	\$3,000
Class III	Commercial Approach	\$150	\$5,000
Class IV	Commercial Approach	\$150	\$5,000
Class V	Field Approach	\$50	\$0

(2) Applicants for other activities shall pay an application fee and post a permit/maintenance bond as follows:

<i>Other Activities</i>	<i>Application Fee</i>	<i>Minimum Amount for Permit Bond</i>
Utility work	\$75	\$10,000
Open cut within right-of-way (non-utility)	\$50	\$1,000
Boring or push under county road	\$50	\$1,000
Overweight or oversize vehicle	\$50	\$1,000
House moving	\$150	\$30,000

(C) Cash may be posted in lieu of a bond.

(D) An annual bond may be posted by a public utility in an amount determined by the County Highway Engineer or the County Surveyor to cover the estimated amount of work to be undertaken within the year.

(E) Any permits issued shall expire one year from the date of issuance, except for permits issued in connection with the construction or alteration of commercial drives.

(F) Prior to submitting any of the materials required by this chapter, the applicant or his or her representative may discuss with the County Highway Department the nature of the improvement being proposed. At that time, the applicant may be instructed concerning the classification of his or her permit and what regulatory procedures apply to it and must be followed under this chapter in order to secure approval.

(H) Driveway permits are classified as follows:

(1) A commercial major driveway permit is required for approaches that connect the county road to private property used for commercial purposes or to a public property, and attract sufficient traffic to warrant an auxiliary lane(s), as determined by the County Highway Engineer. The location for this type can be in either an urban or rural area. It can also be designated as either a Class III or IV driveway approach.

(2) A commercial minor driveway permit is required for approaches that connect the county road to private property used for commercial purposes, or to a public property, and do not attract sufficient traffic to warrant an auxiliary lane(s), as determined by the County Highway Engineer. The location for this type can be in either an urban or a rural area. It can also be designated as either a Class III or IV driveway approach.

(3) A commercial sub-minor driveway permit is required for approaches that connect the county road to private property used for commercial purposes, and do not attract more than 25 vehicles per day, as determined by the County Highway Engineer. The location of this type can be in either an urban or rural area. It can also be designated as either a Class I or II driveway approach.

(4) A private driveway permit is required for approaches that connect the highway to private property having a residence, barn, or private garage, in improved or unimproved condition, used by the owner or occupant of the premises, guests, and necessary service vehicles. The location for this type of driveway can be in either an urban or a rural area. It can also be designated as either a Class I, II, or V driveway approach.

(5) The type of approach is to be shown on the application form by the applicant and approved by the County Highway Engineer. The type of approach will be determined by the definitions provided in subsections (1) through (4) above and by information provided by the applicant from the following:

(a) The results of a traffic impact study; and

(b) Warrants for auxiliary lanes in accordance with the Indiana Department of Transportation (INDOT) Driveway Permit Manual, latest edition.

(I) Other activities within a county right-of-way which require a permit prior to the commencement of such activity include:

(1) Utility work, which shall include the following and are also subject to other provisions of the Henry County Code. All utility permits are issued by the County Surveyor's office:

(a) Utility pull-off drives, which are defined as drives which are installed only for access to a normally unmanned utility appurtenance, such as a vault, where occasional maintenance or observation is required. Any drive installed to serve a utility facility which is open to the public,

or which has a full-time staff, shall be considered and permitted as a commercial driveway;

- (b) Open cut, push or bore within a right-of-way;
- (c) Placement of utility poles; and
- (d) Attachment to a county bridge.

(2) A non-utility open cut within a right-of-way;

(3) Non-utility borings or pushes under county roads;

(4) Oversize/overweight vehicles; and

(5) Moving a structure subject to the restrictions below: :

(a) Mobile homes or manufactured housing that have been approved for moving by the state; or

(b) Agricultural buildings weighing less than 10,000 lbs

i. A person shall not move a building or structure that temporarily obstructs or crosses a county road or highway unless the person first files an application for permit and receives an approved permit from the County Highway Department. The application shall include a traffic control plan approved by the County Sheriff or his or her designated representative.

ii. Prior to the approval of any request to move a building or structure, the applicant must post with the County Highway Department a surety bond, irrevocable letter of credit or insurance policy payable to the County Board of Commissioners in the amount of no less than \$30,000 to indemnify and protect the county from any damage to the roads or highways arising out of the move, or any other liability.

iii. The Highway Department shall consider and approve the application unless the County Highway Engineer considers the bond insufficient to adequately indemnify the county for any damages that may arise from moving the building. The County Highway Engineer may then request that an additional surety bond be posted. Additional surety will be required if the move exceeds any bridge load rating. Approval may also be withheld if the route, traffic control or time of the move is found to be unacceptable by the County Highway Engineer or his or her designated representative.

iv. An applicant under this shall submit a non-refundable fee of \$150 with the applicant's permit and bond. Check or money order shall be made payable to the "Henry County Treasurer" and deposited by the County Highway Department with the County Auditor into the Motor Vehicle Highway Fund. This fee may be waived at the discretion of the County Highway Engineer if the applicant is another governmental agency or a charitable organization which benefits the county.

v. The approved permit shall be visibly posted on the structure being moved while it is within the county road right-of-way.

vi. Any permit denied by the County Highway Department may be appealed by the applicant to the County Board of Commissioners.

vii. The regulations above are not applicable to the movement of the following structures:

(a) Mobile homes or manufactured housing that have been approved for moving by the state; or

(b) Agricultural buildings weighing less than 10,000 lbs

(J) Applicants for any of the above activities shall be required to complete the permit forms and documents and will be subject to plan review and approval by the County Highway Engineer in accordance with the standards set forth in this Chapter, other applicable provisions of the Henry County Code and any other applicable law or regulation.



**4. TYPES OF APPROACH CLASSES.**

(A) Approaches are designated as belonging to one of the following five classes.

<i>Approach Class</i>	<i>Type of Approach</i>	<i>Features</i>
Class I	Private approach	Raised curb
Class II	Private approach	Shoulder only, no raised curb
Class III	Commercial approach	Raised curb
Class IV	Commercial approach	Shoulder only, no raised curb
Class V	Field approach	Compacted aggregate surface

(B) The location for a Class I approach is typically in an urban area. The approach characteristics are constructed so that it is located on a roadway bordered by curbs, and serves a private residence and improved property. A hard pavement surface, curbs, enclosed drainage such as storm sewers, and sidewalks are common elements in the construction of this approach.

(C) The location for a Class II approach is typically in a rural area. The approach characteristics are constructed so that it is attached to the edge of the county road pavement or improved hard surface shoulder and serves private residences and improved property. A pipe continuing drainage along the county road ditch line is a required element in the construction of this approach, unless a variance is approved by the County Highway Engineer.

(D) The location for a Class III approach is typically in an urban area. The approach characteristics are constructed so that it is located on a roadway bordered by curbs and serves a commercial establishment. A hard pavement surface, curbs, enclosed drainage such as storm sewers, auxiliary lanes, tapers, and sidewalks are common elements in the construction of this approach.

(E) The location for a Class IV approach is typically in a rural area. The approach characteristics are constructed so that it is attached to the county road edge of pavement and serves a commercial establishment. A hard pavement surface, auxiliary lanes, and tapers are common elements in the construction of these approaches. A pipe continuing drainage along the county road ditch line is a required element in the construction of these approaches, unless a variance is approved by the County Highway Engineer.

(1) Approach edges for a Class IV commercial minor driveway approaches shall be connected to either tapers of a short auxiliary lane or to the county road traveled way pavement with returns of adequate radii.

(2) Tapers which improve the ingress and egress turning movement characteristics of the approach and which connect the radii returns to the county road traveled way pavements are required when either of the following criteria are present as determined by the County Highway Engineer:

- (a) The highway ADT is greater than 3,000 vehicles per day; or
- (b) The approach ADT is greater than 40 vehicles per day.

(3) Tapers will not be required for a commercial drive that will not exceed the frequency of vehicle travel described in subsections (a) and (b) above and approach edges may be connected to the highway traveled way with returns of radii only.

(F) The location for a Class V approach is either in an urban or rural area, serves a vacant lot, field, or unimproved property, is utilized by vehicles on an occasional basis and is not intended

to be a permanent access way. A graded, compacted aggregate surface and a pipe continuing drainage along the highway ditch line are required elements in the construction of this approach, unless a variance is approved. .

## 5. DESIGN CRITERIA.

(A) All driveways shall be designed and constructed in accordance with the following publications and regulations:

- (1) Indiana Department of Transportation (INDOT) Driveway Permit Manual, latest edition;
- (2) The INDOT Design Manual; and
- (3) The minimum standards for auxiliary lanes shall be in accordance with Exhibit A of this Chapter and shall be the minimum acceptable values. The County Highway Engineer may require the use of higher criteria when significant traffic volumes, a large percentage of truck traffic, or other factors, as reasonably determined by the County Highway Engineer, are present or may exist with respect to a driveway.

(B) The applicant shall provide drainage information, including development site plans and drainage calculations showing existing and proposed drainage patterns, including existing contours, to the County Highway Department demonstrating that there are no adverse effects to drainage patterns in the vicinity caused by the development and construction, subject to the following:

(1) If a drainage permit has been issued by the County for the proposed development, then the information in this paragraph 5 (B) will not be required with the application. In addition, persons seeking a permit to construct a Class V drive are not required to provide the information required by this paragraph 5 (B).

(2) Any diversion of water flow to the right-of-way shall be fully identified and explained. There shall not be any increase to flows unless the development drains to an adjacent stream of adequate capacity to convey the augmented and future development drainage.

(3) If downstream drainage capacity is inadequate, the applicant shall provide flow detention on the developed property. No detention shall be permitted on a county right-of-way. Detention structures and means of discharge shall be adequately presented and explained on plans and in calculations provided to the County Highway Department. Orifice plates shall not be utilized as a control structure.

(4) The 100-year developed property run-off rate shall not exceed the ten-year undeveloped property run-off rate. Thus, the entire  $Q_{100}$  run-off shall be detained on the property and released at the ten-year undeveloped property run-off rate, subject to any other applicable law or regulation that imposes a more restrictive run off rate. The rational method for detention design may be used for developments that are two acres or less in total size. Detention analysis for developments larger than two acres shall be performed using a method that generates hydrographs for both the inflow and the outflow.

(5) The minimum size opening for all drainage structures crossing under two-lane county routes shall be 12 inches in diameter for round pipes or 1.1 square feet for deformed pipes. The minimum pipe sizes under driveway approaches shall be 12 inches in diameter for round pipes or 1.1 square feet for deformed pipes. All pipes with diameters from 12 inches to 36 inches, located in platted subdivisions, shall have pipe end sections appropriate for the type of pipe used.

(6) The County Highway Department uses the following design frequencies for any type of drainage structures on a highway:

- (a) For arterial routes, a 50-year storm event design;

- (b) For collector routes, a 50-year storm event design;
- (c) For local routes, a 50-year storm event design;
- (d) For driveways, a ten-year storm event design; and
- (e) For side ditches, a ten-year storm event design.

(7) The Stormwater Drainage Manual published by the Highway Extension and Research Project for Indiana Cities and Counties (HERPICC), now Indiana Local Technical Assistance Program, or LTAP, provides considerable information about the design of drainage structures and the information in such publication should be consulted and followed as necessary.

(8) Adjustments to existing highway storm sewer structures may be necessary, such as relocation of an inlet displaced by the driveway approach. The relocated structure shall be compatible with those servicing the segment of county road.

(9) Minimum pipe structure materials shall be either corrugated steel or reinforced concrete, Class III. Alternate materials may be used if approved by the County Highway Engineer.

(10) All pipes installed shall be no less than twelve (12) inches in diameter. End sections shall be required on culvert pipes in platted subdivisions.

(11) The table below is a guide. The applicant shall abide by the manufacturer's specifications for minimum and maximum cover in determining the proper gauge.

<i>Minimum Gauges For Steel Pipes</i>	
<i>Pipe Thickness (Gauge)</i>	<i>For Pipe Diameters</i>
0.064 inches (16 gauge)	12 inches through 21 inches
0.079 inches (14 gauge)	24 inches through 36 inches
0.109 inches (12 gauge)	42 inches through 60 inches
0.168 inches (8 gauge)	66 inches through 96 inches

(12) Pipes shall not be smaller than structures upstream from the pipe's location.

**6. PLANS AND INFORMATION REQUIRED FOR COMMERCIAL MAJOR AND MINOR DRIVEWAY APPLICATIONS.**

(A) The permit application should be accompanied by two sets of construction plans, no larger than 24 feet by 36 inches in size, prepared by a registered professional engineer, and/or a registered land surveyor showing the following information in detail:

(1) Driveways and approaches including dimensions for width, length, angle of intersection, radii, and any other measurements necessary to show the geometrics of the approaches, drawn to a scale of 1 inch equaling 20 or 30 feet;

(2) A rate of slope or grade of pavement for approaches and driveways, and typical cross-sections;

(3) The type of approach and driveway pavement material (aggregate, concrete or bituminous pavement including depth of lifts);

(4) The existing drainage patterns, including existing contours and structures, including the size and kind;

(5) New drainage patterns, including existing contours, showing the effect on downstream

County Highway Department facilities and private property, and structures, including the size, kind, invert pipe elevations, and inlet elevations;

(6) A separate pavement marking plan showing all existing and proposed pavement markings with details of type, material, color and the like;

(7) The width dimensions of the highway right-of-way;

(8) The width and type of highway pavement;

(9) Highway right-of-way and property lines;

(10) The development site plan showing parking, interior drives, buildings, and other improvements, including distance from the right-of-way line to proposed site improvements such as gasoline pumps, as applicable;

(11) All utility lines, including but not limited to water, storm and sanitary sewer, gas, electric power, telephone and CATV cables. This shall include any easements. Conflicts with utility lines shall be resolved by the applicant and appropriate corrective measures shown on the construction plans;

(12) The distance to and the design of all drives, intersecting roads, streets, railways, or crossovers within 500 feet in each direction on both sides of the county road from the applicant's property lines drawn to a scale of 1 inch equaling 50 feet;

(13) The posted speed limit on the road and all traffic control equipment serving the county road, including but not limited to traffic signal devices, lighting, pavement markings, guardrail, and sign structures;

(14) The proposed treatment of the right-of-way area adjacent to and between approaches;

(15) Appropriate symbols such as the north arrow, direction of lane travel and direction of drainage flow, and a legend defining abbreviations and graphic representations of existing and new conditions, objects, materials and the like;

(16) A legal description of the property to be served by the permit, together with a legal description of the adjoining land owned or controlled by the applicant; and

(17) Traffic control needed during work activity displaying necessary signs, barricades, detour signs, and warning devices shall be provided whenever work is to interfere with normal traffic. Traffic control must be accomplished in accordance with the construction and maintenance section of the Indiana Manual on Uniform Traffic Control Devices, latest edition. The applicant is solely responsible for the design, installation, and maintenance of all traffic control devices..

(B) Failure to provide complete and accurate information may result in the denial of a permit.

## **7. CONSTRUCTION REQUIREMENTS.**

(A) In addition to the requirements established herein, all permit applications shall comply with the following laws, rules, and regulations, if applicable:

(1) All state and local statutory provisions;

(2) The county zoning regulations, building and housing regulations, and all other applicable local laws and ordinances;

(3) The Comprehensive Plan, official map or Thoroughfare Plan, Public Utilities Plan, and Capital Improvements Program of the county including all roads, drainage systems, and parks shown on the official map or Comprehensive Plan, as adopted;

(4) The special requirements of these regulations and any rules of the County Highway Department and appropriate state agencies;

(5) The Standard Specifications and Standard Drawings of the Indiana Department of Transportation, latest edition, as supplemented;

(6) The highway and drainage standards and regulations adopted by the Board of Commissioners and all boards, commissions, agencies, and officials of the county; and

(7) All pertinent standards contained within valid planning guides published by the Plan Commission from time to time.

(B) A permit will not be issued unless an application demonstrates compliance with the provisions of this Chapter.

**8. PAVEMENT REQUIREMENTS.**

(A) All commercial driveways shall be hard surface, of either bituminous or concrete, from the edge of the mainline pavement to the county right-of-way line. Residential driveways shall be a paved, hard surface, or compacted aggregate from the edge of the mainline pavement to the county right-of-way line. Field entrances shall be compacted aggregate.

(B) Parking areas and frontage roads shall be designed to alleviate possible tracking of gravel or debris onto the mainline pavement.

(C) The cross slope or crown of driveways and turn lanes shall be 2% for bituminous pavement or concrete pavement. A compacted aggregate shoulder is required adjacent to all commercial driveways and added lanes. The shoulder shall be constructed a minimum of two feet in width and six inches in thickness. The slope of the shoulder shall be 6%.

(D) If the existing shoulder is bituminous, then the new shoulder shall also be bituminous. The new shoulder shall match the existing width with a slope of 4%.

(E) When a turning lane is required, added lane(s) shall be constructed out of the same material used for the mainline pavement, resulting in a homogenous pavement surface. The abutting edge of the existing mainline pavement shall have as smooth as possible interface with the new pavement, such as a saw cut.

(F) All materials and their placement should be in accordance with current INDOT specifications. Liquid asphalt shall be of the performance graded (PG) type. The required liquid asphalt shall be as shown below unless otherwise approved in writing by the County Highway Engineer.

(G) Flexible pavement construction shall be constructed in accordance with the requirements of Section 402 of the Standard Specifications, with the exceptions as noted below. Materials shall comply with the requirements of Sections 902.01(a) and 904 of the INDOT Standard Specifications.

(1) Mixture type shall be selected using the following table:

<i>Section 402 Mixture Type</i>	<i>Road Classification per the Thoroughfare Plan*</i>
A	Minor Collector, Local
B	Minor Arterial, Major Collector
C	Major Arterial

\* All Multiple-axle truck traffic pavements shall use asphalt mixture Type C.

(2) Compaction shall be in accordance with 402.15 for all mixture types.

(3) Acceptance will be based on Section 402.09.

(4) All sampling and testing shall be performed by a consultant/engineer approved by the Henry County Highway and fees paid by the contractor.

(H) All pavement shall be placed on subgrade that has been compacted in accordance with

the INDOT Standard Specifications and all commercial and industrial driveways shall be prepared in accordance with Section 215, Chemical Modification of Subgrade Soils, of the INDOT Standard Specifications.

<i>Minimum Pavement Sections for Residential Driveways</i>	
<i>Desired</i>	<i>Minimum Requirement</i>
165 lbs/SY HMA surface (9.5 mm) on 275 lbs/SY HMA intermediate (19 mm) on 3-inches compacted #53 stone aggregate or 6-inches reinforced concrete on 3-inches compacted #53 stone aggregate	6-inches compacted aggregate

<i>Minimum Pavement Sections for Commercial Driveways</i>	
<i>Local and Collector Roads*</i>	<i>Arterial Roads</i>
165 lbs/SY HMA surface (9.5 mm) on 330 lbs/SY HMA intermediate (19 mm) on 385 lbs/SY HMA base (25 mm) on 6-inches compacted #53 stone aggregate or 8-inches reinforced concrete on 6-inches compacted aggregate	165 lbs/SY HMA surface (9.5 mm) on 330 lbs/SY HMA intermediate (19 mm) on 990 lbs/SY (3 lifts) HMA base On 6-inches compacted #53 stone aggregate or 9-inches reinforced concrete on 6-inches compacted aggregate

\* Local and Collector Road section shall use arterial road section when multiple axle truck traffic is involved.

(I) In effectuating any paving::

(1) All non-paved, disturbed areas within the county right-of-way that shall be sown with a Class R seed mixture in accordance with 621.06(a) of INDOT Standard Specifications;

(2) No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall be buried within a county right-of-way; and

(3) Erosion control measures shall be utilized.

**9. TRAFFIC IMPACT ANALYSIS.**

(A) A traffic impact analysis (TIA) is a specialized study of the impact that a given type and size of new land use has on the nearby transportation system.

(B) Developments having land use intensity greater than the threshold values given in the

table below will be required to prepare a traffic impact analysis as part of the permit application.

<i>Threshold Values for Traffic Impact Analysis</i>	
<i>Land Use Type</i>	<i>Threshold Values</i>
Residential	80 dwelling units
Retail	10,000 square feet
Office	25,000 square feet or 2 acres
Industrial	50,000 square feet or 3 acres
Educational	30,000 square feet or 250 students
Lodging	120 occupied rooms
Medical	30,000 square feet

(C) For developments that cannot be grouped under the categories mentioned in the above table, the requirement for providing a traffic impact study will be determined by the County Highway Engineer on the basis of his or her engineering judgment. In addition, the County Highway Engineer reserves the right to request that a traffic impact analysis be performed if, in his or her opinion, the proposed development may create safety, operational, or other traffic related problems.

(D) The study shall be prepared by a registered professional engineer or engineering firm that has submitted a statement of qualifications to the County Highway Engineer stating its qualifications and past experience on performing traffic impact studies.

(E) The traffic impact analysis shall be prepared in accordance with the INDOT Applicant's Guide to Traffic Impact Studies, latest edition.

**10. ACCESS SIGNALIZATION.**

(A) Access points for high volume traffic generators such as shopping centers, industrial plants, industrial parks, residential projects and similar developments may require a traffic signal if, in the determination of the County Highway Department, a traffic signal is reasonably necessary to ensure the safety of the public. If the County Highway Department determines that a traffic signal is reasonably necessary, the applicant shall execute an agreement, in a form reasonably satisfactory to the County, that sets forth the design criteria for the traffic signal and requires the applicant to pay for the cost of the signal, its installation, maintenance and utility charges incurred in its operation.

(B) When the County Highway Department determines that there may be a future need for a traffic signal, the applicant will be required to sign a future traffic signal covenant, in a form satisfactory to the County, binding the applicant and any subsequent property owner to install a traffic signal at some future date or upon the occurrence of an event specified in the covenant.

(C) Any installation of a traffic signal will be the responsibility of the applicant or subsequent property owner(s).

(D) No permit may be issued if the applicant fails to execute a covenant or agreement required by section 10 (A) or (B) above.

**11. ACCESS CONTROL.**

(A) Limiting access to a public road right-of-way is a desirable design feature to eliminate potential vehicular conflict by controlling and defining driveway openings. (B) In order to

ensure safety and eliminate potential vehicular conflict, if the County Highway Department reasonably determines that potential multiple access points to the same frontage presents a safety hazard, an applicant for a driveway permit applicant may be required to sign a covenant limiting or restricting future construction of access points on the frontage owned by the applicant. The covenant shall be recorded and shall run with the land.

(C) Commercial developments located on the corner of a county arterial road and a county collector road shall be restricted to access on the collector only. Access shall be limited to a single drive per property unless frontage exceeds 400 feet. In addition, no access point shall be within 200 feet of any intersection. More than one driveway per frontage may be permitted in order to facilitate operations on a property. In making this determination, the County Engineer shall consider current and future site conditions, current and future traffic patterns and other factors that may impact the safety of the public. The County Engineer shall utilize his or her engineering judgment in determining whether more than one driveway will be permitted on any parcel's frontage. A property that has more than one frontage on a county road is permitted one driveway per frontage.

(D) Location and spacing of driveways and sight distance requirements shall be as required by the INDOT Driveway Permit Manual, as amended.

(E) Driveways within platted subdivisions shall also be as approved in conformance with and subject to the provisions of the subdivision control regulations of the Henry County Code.

(F) Driveways into subdivisions shall be considered commercial drives.

(G) Where there are several adjacent roadside businesses or other public or commercial establishments has the County Highway Engineer may require the construction of a frontage road for several driveways in order to reduce the number of connections made to the right of way. The County Highway Engineer shall make his or her decision as to whether a frontage road will be required based on the data contained in the traffic impact study prepared by the developer and sound engineering practice. Frontage roads that run parallel the county road shall be allowed access points at intervals of 500 feet or more. Frontage roads shall be set back from the county road in a manner to allow adequate storage for entering and exiting traffic.

## **12. PERFORMANCE BOND.**

(A) A performance bond shall be required with each application for a driveway permit equal to the estimated cost of that part of the project on the County Highway Department's right-of-way. The County Highway Engineer must approve the amount, provided that the minimum amount of bond shall be as set forth in Section 3.

(B) A bond in an appropriate amount shall also be required on non-commercial drives.

(C) The following applicants shall not be required to post a performance bond:

(1) Any "unit" as defined by Indiana Code § 36-1-2-23, any agency of the government of the state of Indiana or agency of the government of the United States ;

(2) Private and public institutions providing elementary, secondary and post secondary education;

(3) Any applicant whose approved permit will result in work solely for the purpose of closing existing driveway approaches to the county highway system from the property.

(E) Any applicant who claims an exemption should indicate so on the permit application form.

## **13. FAILURE TO COMPLETE IMPROVEMENTS.**

, If the improvements are not completed during the period of time in which a permit remains valid, in addition to any other remedy in the Henry County Code, at law or in equity, including



exercise of any rights under any performance bond or surety the County may institute a suit to compel the applicant to remove any work and restore the right of way to its original condition. The applicant shall be liable for all costs and expenses incurred by the County in such action and in restoring the right of way to its original condition.

#### **14. VARIANCES.**

(A) Where the County finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these regulations so that substantial justice may be done and the public interest secured, provided that the variances shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the county shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other nearby property;

(2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

(4) The variance will not in any manner contravene the provisions of the Comprehensive Plan, Thoroughfare Plan, or county drainage regulations as interpreted by the Board of Commissioners; and

(5) The application for variance must be accompanied by a nonrefundable fee of \$100, or as amended in the most recent schedule of fees.

(B) In approving variances, the County may impose conditions which will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(C) A petition for any variance shall be submitted in writing by the applicant at the time when the application for a driveway permit is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(D) Approval of variances will be given by the County Commissioners, with benefit of a recommendation from the County Highway Engineer.

(E) Variances to regulations applicable to the use of piping in a driveway construction or reconstruction may be granted by the County Highway Engineer.

#### **15. INSPECTION OF PUBLIC IMPROVEMENTS.**

(A) All work done under permits issued under this chapter is subject to inspection and approval by the County. No construction activity shall commence prior to the issuance of a permit. The inspection will not include construction engineering or construction stake-out, which will be the sole responsibility of the permittee. The permittee or his, her or its contractor shall notify the County Highway Department at least 24 hours prior to the commencement of any construction phase or activity.

(B) (1) Inspections shall evaluate, but not be limited to, the following:

- (a) Drainage;
- (b) Road subgrade;
- (c) Curbs;
- (d) Stone;
- (e) Asphalt; and

(f) Final inspection.

(C) The County Highway Department shall issue directive stop-work orders when necessary to ensure compliance with the approved plans and specifications for the permit and the requirements of this section.

(D) Persons working on or having control of the construction of the improvements shall cooperate fully with the County Highway Department and shall have available on site a copy of the approved plans and specifications.

(E) All permit construction involving the widening of a county road shall be completed within 45 calendar days from the first day of excavation along the county road.

(F) If a permit requires the relocation of utilities, the utilities shall so relocate, with the cost thereof to be paid by the permittee.

**16. TEMPORARY DRIVEWAYS.**

(A) Temporary driveways will be allowed when any applicable requirements and regulation governing drainage and sight distance are met applicable to permanent driveways are established.

(B) The temporary driveway permit shall be limited to a maximum of 180 calendar days.

(C) The temporary driveway approach shall be constructed to support the type of vehicle/truck/equipment traffic expected. The minimum stone depth shall be six inches.

(D) A bond will be required with an amount equal to the cost of maintenance and repair of the existing infrastructure and the removal of the temporary driveway approach. The bond amount shall not be less than \$1,000 and will be set in the reasonable discretion of the County Highway Department.

(E) The applicant seeking a permit for a temporary driveway shall pay the fee specified above for an application to construct a permanent driveway. EFFECTIVE DATE: This Ordinance shall be effective upon passage and at the earliest date permitted by law.

SEVERABILITY: Any provision contained in this ordinance, which is found by a court of competent jurisdiction to be unlawful or by operation of law, including subsequent legislative enactment, is rendered inapplicable, shall be omitted and the rest and remainder of this ordinance shall remain in full force and effect.

REPEALER: All ordinances that are in conflict with the terms of this Ordinance are hereby repealed as of the effective date of this Ordinance.

ADOPTED by the Board of Commissioners of Henry County, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2016, by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Ed Yanos, President

\_\_\_\_\_  
Kim Cronk

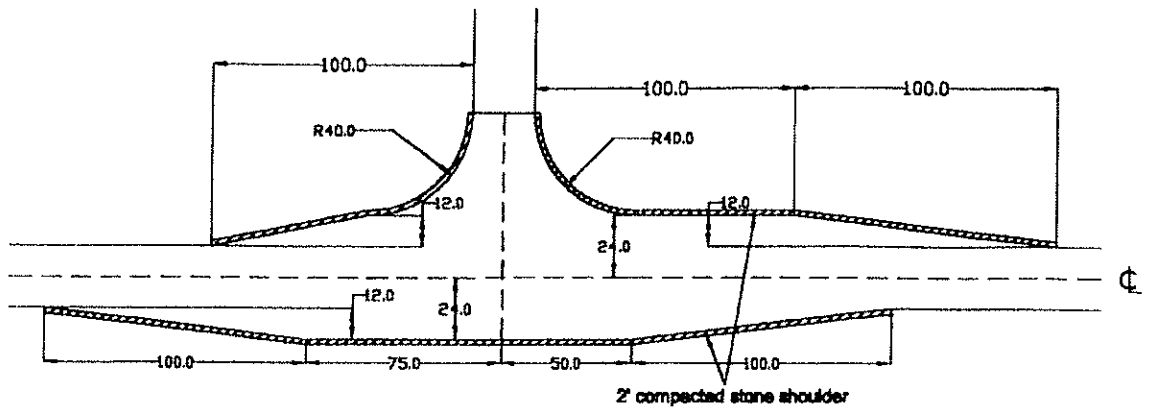
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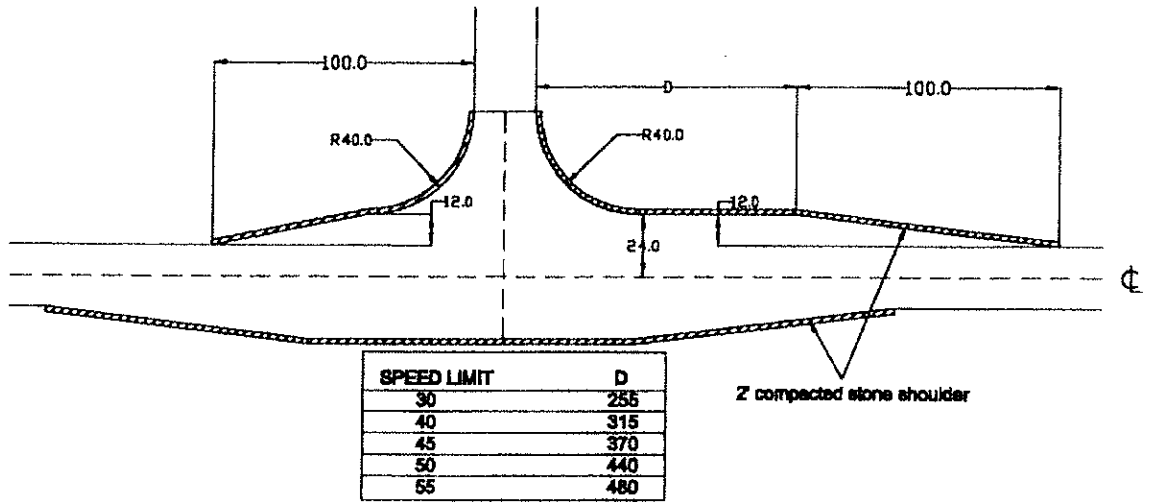
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Patricia A. French, Auditor

**Local Roads:**



**Collector & Arterial Roads:  
Deceleration Lane & Acceleration Taper**



**Collector & Arterial Roads:  
Passing Blister**

